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*ADMITTED IN NY & NJ

December 17, 2018

BY ECF FILING

Hon. Joseph Bianco
United States District Judge
Eastern District of New York
United States Courthouse
100 Federal Plaza
Central Islip, NY 11722-9014

Re: United States v. Abdulrahman Khwaja,
Cr 18-607 (JFB)

Dear Judge Bianco:

I represent Abdulrahman Khwaja in the above-referenced matter. I am writing to request that the Court intervene in this matter and direct the government to return to my client's businesses – National Electronics and Ishan International – certain inventory that was seized from their business premises at the time they were searched on the day of my client's arrest on November 15. It is critical that National Electronics and Ishan recover this inventory – cell phones – in order to continue their operations. I have requested that the government return this inventory on several occasions, by emailing AUSA Ryan and asking for the return of the inventory during telephone calls. Some examples of my requests/inquiries are attached as Exhibit A. Those requests have been unavailing, and my client has asked me to request that the Court intervenè.

The facts relevant to this application are as follows.

As you know, National Electronics and Ishan are in the business of buying and selling cell phones and other goods.

On the day of my client's arrest, a search warrant was executed at the business premises of National Electronics and Ishan. A copy of the warrant is attached as Exhibit B to this letter. The search warrant permitted the government to "Seize and Search[]" a

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variety of items at the search location, including “7. Any and all cameras, smartphones and cellular telephones.”

At the time of the search, a pallet of newly delivered cell phones was present at the business premises; they had arrived the night before from JFK airport. None of the cell phones on the pallet had been sold at the time they were seized, and there was, of course, no information stored in any of the cell phones, which were in their original shipping boxes for shipment to Ishan and National.

National had ordered these cell phones for sale to a variety of customers, including Gotham Discounts Inc. Gotham Discounts Inc sells primarily on Amazon.com and Amazon.ca (Amazon Canada) . National sells to Gotham Discounts Inc and Gotham Discounts Inc. ships the cell phones to Amazon fulfillment centers (FC) in Ontario, Alberta & British Columbia. In addition to the unsold pallet of phones, there were 176 phones that were packaged and ready to be shipped to FCs in Canada, but were seized by the government. The Amazon customers are not known to National and Ishan; National and Ishan simply facilitate Gotham Discounts in packing and shipping their merchandise to Amazon fulfillment centers.

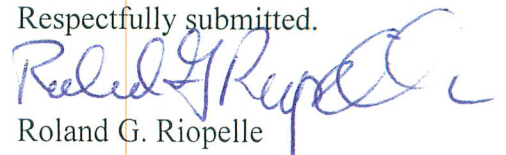
In addition to these cell phones, the government also seized some cell phones that had been sold by National and were ready to ship to a National customer named Rio Wireless. It is my understanding that Rio Wireless is a Texas cell phone dealer that is a long-term customer of National's. Rio Wireless is not identified in any of the materials I have been provided by the government as a money launderer or a problematic customer of Ishan or ISK or National.

In these circumstances, I respectfully submit that there is no reason for the government to continue to hold these cell phones. Any evidentiary value in them can be preserved by photographing the phones that were seized. These phones are urgently needed to continue the business of National and Ishan, and these phones will not be sold to South American customers because my client and his companies have discontinued their business in South America as required by the conditions of my client's bail. Without access to their inventory, National and Ishan's business have been damaged, and I am aware of no facts that would require the government to continue to retain the unsold cell phones that it seized during the search on November 15. My repeated requests for return of these phones have not resulted in any action from the government to return these items.

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Therefore, for all these reasons, I respectfully request that the Court intervene and direct the government to return the cell phones it seized from the inventory of National and Ishan during the search of their business premises.

Respectfully submitted.



Roland G. Riopelle

Enc.

Cc: Charles P. Kelly, Esq. (By ECF Filing)
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